

REMARKS

By this amendment, Applicant amends claims 1, 3, 4, 35, 38, and 40, cancels claims 2 and 39 without prejudice or disclaimer, and adds new claims 74-81. Support for the claim amendments and new claims is found in Applicant's specification at least at paragraphs [052] and [059]. Claims 1, 3-38, and 40-81 are now pending in this application.

In the Office Action¹, the Examiner provisionally rejected claims 1-5, 9-28, 34-42, 46-64, and 72-73 under 35 U.S.C. § 101 as claiming the same invention as that of claims 1-57 of co-pending Application No. 10/609,586. Although Applicant respectfully traverses the rejection, Applicant notes that Application No. 10/609,586 became abandoned without prejudice or disclaimer for failure to response to an Office Action mailed October 18, 2006. Accordingly, the double patenting rejection is now moot because the claims of Application No. 10/609,586 are no longer pending.

The Examiner also rejected claims 1-5, 10-13, 15-17, 20, 21, 27, 38-42, 46-50, 52-54, 58, and 62 under 35 U.S.C. § 103(a) as being unpatentable over Murphy et al. (U.S. Patent No. 6,226,744); rejected claims 6, 9, 18, 22-23, 43, 51, 55, 59, 60, and 66 under 35 U.S.C. § 103(a) as being unpatentable over Murphy in view of de Jong et al. (U.S. Patent No. 7,085,840); rejected claims 7, 8, 44, and 45 under 35 U.S.C. § 103(a) as being unpatentable over Murphy in view of de Jong and in further view of Chang et al. (U.S. Patent No. 6,715,082) and Ye et al. (U.S. Patent No. 6,067,621); rejected

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

claims 19, 24, 26, 56, and 61 under 35 U.S.C. § 103(a) as being unpatentable over Murphy in view of Teicher et al. (U.S. Patent No. 6,257,486); rejected claims 25, 36, 37, 72, and 73 under 35 U.S.C. § 103(a) as being unpatentable over Murphy in view of Geer, Jr. et al. (U.S. Patent No. 6,192,131); rejected claims 28-31, 34, 63-65, 67, and 68 under 35 U.S.C. § 103(a) as being unpatentable over Murphy in view of de Jong, and in further view of Chang, Ye, and Baird, III et al. (U.S. Patent No. 6,732,278); rejected claims 32, 33, 35, and 69-71 under 35 U.S.C. § 103(a) as being unpatentable over Murphy in view of de Jong, and in further view of Ye, Baird, and Teppler (U.S. Patent No. 6,792,536).

I. REJECTION OF CLAIMS 1-5, 10-13, 15-17, 20, 21, 27, 38-42, 46-50, 52-54, 58, AND 62 UNDER § 103(a)

Applicant respectfully traverses the rejection of claims 1-5, 10-13, 15-17, 20, 21, 27, 38-42, 46-50, 52-54, 58, and 62 under 35 U.S.C. § 103(a) as being unpatentable over Murphy because a *prima facie* case of obviousness has not been established. To establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), the Examiner must demonstrate each of three requirements. First, the reference or references, taken alone or combined, must teach or suggest each and every element recited in the claims. See MPEP § 2143.03. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention. See MPEP § 2143.01. Third, a reasonable expectation of success must exist. See MPEP § 2143.02. Moreover, each of these requirements must be found in the prior art, not in applicant's disclosure. See MPEP § 2143. In this application, a *prima facie* case

of obviousness has not been established for at least the reason that the applied references fail to teach or suggest each and every element of the claims.

Independent claim 1, as amended, recites a personal authentication device (PAD) comprising, among other things, “one or more input means for receiving one or more digital certificates, wherein the one or more digital certificates comprise at least one ticket-generation certificate including at least one service key generating program or information indicating at least one service key generating program.” Murphy does not teach or suggest at least this element of independent claim 1.

The Examiner contends Murphy teaches a “ticket-generation certificate indicating at least one service key generating program” at col. 5, lines 52-65. See Office Action at page 5. The Examiner’s contention is incorrect. While Murphy teaches that smart card 10 stores user information provided by a Certified Authority (CA), stores DES secret keys and digital certificates, and will generate and store public and private RSA cryptographic key pairs, Murphy does not teach or suggest the claimed “ticket-generation certificate including at least one service key generating program or information indicating at least one service key generating program,” as recited in independent claim 1 (emphasis added). Rather, Murphy teaches that “smart card 10 has an on-board math co-processor that performs the key generation and encryption/decryption calculations.” See col. 5, lines 63-65. Such a co-processor for key generating and encryption/decryption calculations, however, does not constitute or suggest the claimed “ticket-generation certificate including at least one service key generating program or information indicating at least one service key generating program,” as recited in independent claim 1 (emphasis added).

For at least the above reasons, Murphy does not teach or suggest all of the elements of independent claim 1. Accordingly, a *prima facie* case of obviousness has not been established and the Examiner should withdraw the rejection of the claim under 35 U.S.C. § 103(a). Furthermore, independent claim 38, while of a different scope, includes recitations similar to those discussed above in connection with independent claim 1. Accordingly, the Examiner should withdraw the rejection of independent claim 38 under 35 U.S.C. § 103(a) for at least the reasons given above.

Dependent claims 3-5, 10-13, 15-17, 20, 21, 27, 401-42, 46-50, 52-54, 58, and 62 depend from independent claims 1 and 38. Accordingly, a *prima facie* case of obviousness has not been established for dependent claims 3-5, 10-13, 15-17, 20, 21, 27, 401-42, 46-50, 52-54, 58, and 62 at least due to their dependence. Applicant further notes that the rejection of canceled claims 2 and 39 is moot. Thus, the Examiner should also withdraw the rejection of claims 3-5, 10-13, 15-17, 20, 21, 27, 401-42, 46-50, 52-54, 58, and 62 under 35 U.S.C. 103(a).

II. REJECTION OF CLAIMS 6, 9, 18, 22-23, 43, 51, 55, 59, 60, AND 66 UNDER § 103(a)

Applicant respectfully traverses the rejection of claims 6, 9, 18, 22-23, 43, 51, 55, 59, 60, and 66 under 35 U.S.C. § 103(a) as being unpatentable over Murphy in view of de Jong.

Claims 6, 9, 18, 22-23, 43, 51, 55, 59, 60, and 66 depend from independent claims 1 and 38. As discussed above, Murphy does not teach or suggest at least a “ticket-generation certificate including at least one service key generating program or information indicating at least one service key generating program,” as required by

independent claims 1 and 38. Even if the Examiner's allegations with respect to de Jong are correct, which Applicant does not concede, de Jong also does not teach or suggest a "ticket-generation certificate including at least one service key generating program or information indicating at least one service key generating program," as required by independent claims 1 and 38. Accordingly, since Murphy and de Jong, taken individually or in combination, do not teach or suggest all of the elements of independent claims 1 and 38, a *prima facie* case of obviousness has not been established with respect to claims 6, 9, 18, 22-23, 43, 51, 55, 59, 60, and 66 at least due to their dependence. Therefore, the Examiner should withdraw the rejection of claims 6, 9, 18, 22-23, 43, 51, 55, 59, 60, and 66 under 35 U.S.C. § 103(a).

III. REJECTION OF CLAIMS 7, 8, 44, AND 45 UNDER § 103(a)

Applicant respectfully traverses the rejection of claims 7, 8, 44, and 45 under 35 U.S.C. § 103(a) as being unpatentable over Murphy in view of de Jong and in further view of Chang and Ye.

Claims 7, 8, 44, and 45 depend from independent claims 1 and 38. As discussed above, Murphy and de Jong do not teach or suggest at least a "ticket-generation certificate including at least one service key generating program or information indicating at least one service key generating program," as required by independent claims 1 and 38. Even if the Examiner's allegations with respect to Chang and Ye are correct, which Applicant does not concede, Chang or Ye also do not teach or suggest a "ticket-generation certificate including at least one service key generating program or information indicating at least one service key generating program," as required by

independent claims 1 and 38. Accordingly, since Murphy, de Jong, Chang, and Ye, taken individually or in combination, do not teach or suggest all of the elements of independent claims 1 and 38, a *prima facie* case of obviousness has not been established with respect to claims 7, 8, 44, and 45 at least due to their dependence. Therefore, the Examiner should withdraw the rejection of claims 7, 8, 44, and 45 under 35 U.S.C. § 103(a).

IV. REJECTION OF CLAIMS 19, 24, 26, 56, AND 61 UNDER § 103(a)

Applicant respectfully traverses the rejection of claims 19, 24, 26, 56, and 61 under 35 U.S.C. § 103(a) as being unpatentable over Murphy in view of Teicher.

Claims 19, 24, 26, 56, and 61 depend from independent claims 1 and 38. As discussed above, Murphy does not teach or suggest at least a “ticket-generation certificate including at least one service key generating program or information indicating at least one service key generating program,” as required by independent claims 1 and 38. Even if the Examiner’s allegations with respect to Teicher are correct, which Applicant does not concede, Teicher also does not teach or suggest a “ticket-generation certificate including at least one service key generating program or information indicating at least one service key generating program,” as required by independent claims 1 and 38. Accordingly, since Murphy and Teicher, taken individually or in combination, do not teach or suggest all of the elements of independent claims 1 and 38, a *prima facie* case of obviousness has not been established with respect to claims 19, 24, 26, 56, and 61 at least due to their

dependence. Therefore, the Examiner should withdraw the rejection of claims 19, 24, 26, 56, and 61 under 35 U.S.C. § 103(a).

V. REJECTION OF CLAIMS 25, 36, 37, 72, AND 73 UNDER § 103(a)

Applicant respectfully traverses the rejection of claims 25, 36, 37, 72, and 73 under 35 U.S.C. § 103(a) as being unpatentable over Murphy in view of Geer.

Claims 25, 36, 37, 72, and 73 depend from independent claims 1 and 38. As discussed above, Murphy does not teach or suggest at least a “ticket-generation certificate including at least one service key generating program or information indicating at least one service key generating program,” as required by independent claims 1 and 38. Even if the Examiner’s allegations with respect to Geer are correct, which Applicant does not concede, Geer also does not teach or suggest a “ticket-generation certificate including at least one service key generating program or information indicating at least one service key generating program,” as required by independent claims 1 and 38. Accordingly, since Murphy and Geer, taken individually or in combination, do not teach or suggest all of the elements of independent claims 1 and 38, a *prima facie* case of obviousness has not been established with respect to claims 25, 36, 37, 72, and 73 at least due to their dependence. Therefore, the Examiner should withdraw the rejection of claims 25, 36, 37, 72, and 73 under 35 U.S.C. § 103(a).

VI. REJECTION OF CLAIMS 28-31, 34, 63-65, 67, AND 68 UNDER § 103(a)

Applicant respectfully traverses the rejection of claims 28-31, 34, 63-65, 67, and 68 under 35 U.S.C. § 103(a) as being unpatentable over Murphy in view of de Jong, and in further view of Chang, Ye, and Baird.

Claims 28-31, 34, 63-65, 67, and 68 depend from independent claims 1 and 38. As discussed above, Murphy, de Jong, Chang, and Ye do not teach or suggest at least a "ticket-generation certificate including at least one service key generating program or information indicating at least one service key generating program," as required by independent claims 1 and 38. Even if the Examiner's allegations with respect to Baird are correct, which Applicant does not concede, Baird also does not teach or suggest a "ticket-generation certificate including at least one service key generating program or information indicating at least one service key generating program," as required by independent claims 1 and 38. Accordingly, since Murphy, de Jong, Chang, Ye, and Baird, taken individually or in combination, do not teach or suggest all of the elements of independent claims 1 and 38, a *prima facie* case of obviousness has not been established with respect to claims 28-31, 34, 63-65, 67, and 68 at least due to their dependence. Therefore, the Examiner should withdraw the rejection of claims 28-31, 34, 63-65, 67, and 68 under 35 U.S.C. § 103(a).

VII. REJECTION OF CLAIMS 32, 33, 35, AND 69-71 UNDER § 103(a)

Applicant respectfully traverses the rejection of claims 32, 33, 35, and 69-71 under 35 U.S.C. § 103(a) as being unpatentable over Murphy in view of de Jong, and in further view of Ye, Baird, and Teppler.

Claims 32, 33, 35, and 69-71 depend from independent claims 1 and 38. As discussed above, Murphy, de Jong, Ye, and Baird do not teach or suggest at least a “ticket-generation certificate including at least one service key generating program or information indicating at least one service key generating program,” as required by independent claims 1 and 38. Even if the Examiner’s allegations with respect to Teppler are correct, which Applicant does not concede, Teppler also does not teach or suggest a “ticket-generation certificate including at least one service key generating program or information indicating at least one service key generating program,” as required by independent claims 1 and 38. Accordingly, since Murphy, de Jong, Ye, Baird, and Teppler, taken individually or in combination, do not teach or suggest all of the elements of independent claims 1 and 38, a *prima facie* case of obviousness has not been established with respect to claims 32, 33, 35, and 69-71 at least due to their dependence. Therefore, the Examiner should withdraw the rejection of claims 32, 33, 35, and 69-71 under 35 U.S.C. § 103(a).

VIII. NEW CLAIMS 74-81

New claims 74-81 depend from independent claims 1 and 38. Accordingly, new claims 74-81 are allowable over the applied references at least due to their dependence and, further, are also not taught or suggested by the applied references. Therefore, the Examiner should also allow new claims 74-81.

CONCLUSION

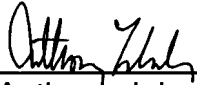
In view of the foregoing remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: May 4, 2007

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